IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1164 of 2004
(For condonation of delay)
IN
CRIMINAL APPEAL NO.335 OF 2004
WITH
CRIMINAL APPEAL NO.335 OF 2004

The State of Maharashtra ...Applicant/
Appellant.

V/s

1. Saurabh Shankar Chatterji
and Ors. ...Respondents.

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Mr. D.P. Adsule, APP for the State.

Ms. Mahna P. Thakur for the respondent.

CORAM: V.M. KANADE, J.
DATE : 10th December, 2004

P.C.

1. Heard the learned APP appearing on behalf of the State.

2. For the reasons stated in the application for condonation of delay for filing the criminal appeal, delay is condoned.

3. State has filed this appeal challenging the Judgment and Order passed by the Chief Judicial Magistrate, Thane in Regular Criminal Case No.364 of 2000. By the said judgment and order, the Trial Court has acquitted the accused of the offence punishable

under section 498-A read with section 34 of the Indian Penal Code.

4. Prosecution case in brief is that the respondent - accused demanded dowry from the complainant. She was beaten on several occasions by accused No.1 and on account of torture and harassment by accused the present complaint was filed by the complainant - wife. In support of the prosecution case, prosecution has examined three witnesses. P.W.1 is the complainant. P.W.2 is the complainant's mother and P.W.3 is the P.S.I. who investigated the said offence. The Trial Court, after considering the evidence on record has given cogent reasons for coming to the conclusion that the offence was not proved by the prosecution.

5. The learned APP has taken me through the depositions as also judgment and order of the Trial Court. The learned Counsel appearing on behalf of the respondent has brought to my notice a decree of divorce passed by the Family Court, Mumbai at Bandra wherein the Consent Terms were filed by the husband and wife and the marriage was dissolved by decree of divorce by mutual consent under section 13-B of the Hindu Marriage Act, 1955. In the Consent Terms, the respondent - wife has agreed to withdraw the

allegations made in the R.C.C. No.364 of 2000 under section 498-A. Respondent No.1 has also paid lumpsum maintenance amount of Rs 4,25,000/- to the complainant. Copy of the decree passed by the Family Court, Mumbai at Bandra is taken on record.

6. Under these circumstances, I do not see any reason to interfere with the order passed by the Trial Court.

Leave is refused. Appeal is dismissed.

V.M. KANADE, J.